



Rep. Camille Y. Lilly

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LRB098 09278 NHT 43378 a

1 AMENDMENT TO HOUSE BILL 2978

2 AMENDMENT NO. _____. Amend House Bill 2978 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The School Code is amended by changing Sections
5 2-3.25o, 10-21.9, and 34-18.5 as follows:

6 (105 ILCS 5/2-3.25o)

7 Sec. 2-3.25o. Registration and recognition of non-public
8 elementary and secondary schools.

9 (a) Findings. The General Assembly finds and declares (i)
10 that the Constitution of the State of Illinois provides that a
11 "fundamental goal of the People of the State is the educational
12 development of all persons to the limits of their capacities"
13 and (ii) that the educational development of every school
14 student serves the public purposes of the State. In order to
15 ensure that all Illinois students and teachers have the
16 opportunity to enroll and work in State-approved educational

1 institutions and programs, the State Board of Education shall
2 provide for the voluntary registration and recognition of
3 non-public elementary and secondary schools.

4 (b) Registration. All non-public elementary and secondary
5 schools in the State of Illinois may voluntarily register with
6 the State Board of Education on an annual basis. Registration
7 shall be completed in conformance with procedures prescribed by
8 the State Board of Education. Information required for
9 registration shall include assurances of compliance (i) with
10 federal and State laws regarding health examination and
11 immunization, attendance, length of term, and
12 nondiscrimination and (ii) with applicable fire and health
13 safety requirements.

14 (c) Recognition. All non-public elementary and secondary
15 schools in the State of Illinois may voluntarily seek the
16 status of "Non-public School Recognition" from the State Board
17 of Education. This status may be obtained by compliance with
18 administrative guidelines and review procedures as prescribed
19 by the State Board of Education. The guidelines and procedures
20 must recognize that some of the aims and the financial bases of
21 non-public schools are different from public schools and will
22 not be identical to those for public schools, nor will they be
23 more burdensome. The guidelines and procedures must also
24 recognize the diversity of non-public schools and shall not
25 impinge upon the noneducational relationships between those
26 schools and their clientele.

1 (c-5) Prohibition against recognition. A non-public
2 elementary or secondary school may not obtain "Non-public
3 School Recognition" status unless the school requires all
4 certified and non-certified applicants for employment with the
5 school, after July 1, 2007, to authorize a fingerprint-based
6 criminal history records check as a condition of employment to
7 determine if such applicants have been convicted of any of the
8 enumerated criminal or drug offenses set forth in Section
9 21B-80 ~~21-23a~~ of this Code or have been convicted, within 7
10 years of the application for employment, of any other felony
11 under the laws of this State or of any offense committed or
12 attempted in any other state or against the laws of the United
13 States that, if committed or attempted in this State, would
14 have been punishable as a felony under the laws of this State.

15 Authorization for the check shall be furnished by the
16 applicant to the school, except that if the applicant is a
17 substitute teacher seeking employment in more than one
18 non-public school, a teacher seeking concurrent part-time
19 employment positions with more than one non-public school (as a
20 reading specialist, special education teacher, or otherwise),
21 or an educational support personnel employee seeking
22 employment positions with more than one non-public school, then
23 only one of the non-public schools employing the individual
24 shall request the authorization. Upon receipt of this
25 authorization, the non-public school shall submit the
26 applicant's name, sex, race, date of birth, social security

1 number, fingerprint images, and other identifiers, as
2 prescribed by the Department of State Police, to the Department
3 of State Police.

4 The Department of State Police and Federal Bureau of
5 Investigation shall furnish, pursuant to a fingerprint-based
6 criminal history records check, records of convictions,
7 forever and hereafter, until expunged, to the president or
8 principal of the non-public school that requested the check.
9 The Department of State Police shall charge that school a fee
10 for conducting such check, which fee must be deposited into the
11 State Police Services Fund and must not exceed the cost of the
12 inquiry. Subject to appropriations for these purposes, the
13 State Superintendent of Education shall reimburse non-public
14 schools for fees paid to obtain criminal history records checks
15 under this Section.

16 A non-public school may not obtain recognition status
17 unless the school also performs a check of the Statewide Sex
18 Offender Database, as authorized by the Sex Offender Community
19 Notification Law, for each applicant for employment, after July
20 1, 2007, to determine whether the applicant has been
21 adjudicated a sex offender.

22 Any information concerning the record of convictions
23 obtained by a non-public school's president or principal under
24 this Section is confidential and may be disseminated only to
25 the governing body of the non-public school or any other person
26 necessary to the decision of hiring the applicant for

1 employment. A copy of the record of convictions obtained from
2 the Department of State Police shall be provided to the
3 applicant for employment. Upon a check of the Statewide Sex
4 Offender Database, the non-public school shall notify the
5 applicant as to whether or not the applicant has been
6 identified in the Sex Offender Database as a sex offender. Any
7 information concerning the records of conviction obtained by
8 the non-public school's president or principal under this
9 Section for a substitute teacher seeking employment in more
10 than one non-public school, a teacher seeking concurrent
11 part-time employment positions with more than one non-public
12 school (as a reading specialist, special education teacher, or
13 otherwise), or an educational support personnel employee
14 seeking employment positions with more than one non-public
15 school may be shared with another non-public school's principal
16 or president to which the applicant seeks employment. Any
17 unauthorized release of confidential information may be a
18 violation of Section 7 of the Criminal Identification Act. Any
19 ~~person who releases any criminal history record information~~
20 ~~concerning an applicant for employment is guilty of a Class A~~
21 ~~misdemeanor and may be subject to prosecution under federal~~
22 ~~law, unless the release of such information is authorized by~~
23 ~~this Section.~~

24 No non-public school may obtain recognition status that
25 knowingly employs a person, hired after July 1, 2007, for whom
26 a Department of State Police and Federal Bureau of

1 Investigation fingerprint-based criminal history records check
2 and a Statewide Sex Offender Database check has not been
3 initiated or who has been convicted of any offense enumerated
4 in Section 21B-80 of this Code or any offense committed or
5 attempted in any other state or against the laws of the United
6 States that, if committed or attempted in this State, would
7 have been punishable as one or more of those offenses. No
8 non-public school may obtain recognition status under this
9 Section that knowingly employs a person who has been found to
10 be the perpetrator of sexual or physical abuse of a minor under
11 18 years of age pursuant to proceedings under Article II of the
12 Juvenile Court Act of 1987.

13 In order to obtain recognition status under this Section, a
14 non-public school must require compliance with the provisions
15 of this subsection (c-5) from all employees of persons or firms
16 holding contracts with the school, including, but not limited
17 to, food service workers, school bus drivers, and other
18 transportation employees, who have direct, daily contact with
19 pupils. Any information concerning the records of conviction or
20 identification as a sex offender of any such employee obtained
21 by the non-public school principal or president must be
22 promptly reported to the school's governing body.

23 (d) Public purposes. The provisions of this Section are in
24 the public interest, for the public benefit, and serve secular
25 public purposes.

26 (e) Definition. For purposes of this Section, a non-public

1 school means any non-profit, non-home-based, and non-public
2 elementary or secondary school that is in compliance with Title
3 VI of the Civil Rights Act of 1964 and attendance at which
4 satisfies the requirements of Section 26-1 of this Code.

5 (Source: P.A. 96-431, eff. 8-13-09; 97-607, eff. 8-26-11.)

6 (105 ILCS 5/10-21.9) (from Ch. 122, par. 10-21.9)

7 Sec. 10-21.9. Criminal history records checks and checks of
8 the Statewide Sex Offender Database and Statewide Murderer and
9 Violent Offender Against Youth Database.

10 (a) Certified and noncertified applicants for employment
11 with a school district, except school bus driver applicants,
12 are required as a condition of employment to authorize a
13 fingerprint-based criminal history records check to determine
14 if such applicants have been convicted of any of the enumerated
15 criminal or drug offenses in subsection (c) of this Section or
16 have been convicted, within 7 years of the application for
17 employment with the school district, of any other felony under
18 the laws of this State or of any offense committed or attempted
19 in any other state or against the laws of the United States
20 that, if committed or attempted in this State, would have been
21 punishable as a felony under the laws of this State.
22 Authorization for the check shall be furnished by the applicant
23 to the school district, except that if the applicant is a
24 substitute teacher seeking employment in more than one school
25 district, a teacher seeking concurrent part-time employment

1 positions with more than one school district (as a reading
2 specialist, special education teacher or otherwise), or an
3 educational support personnel employee seeking employment
4 positions with more than one district, any such district may
5 require the applicant to furnish authorization for the check to
6 the regional superintendent of the educational service region
7 in which are located the school districts in which the
8 applicant is seeking employment as a substitute or concurrent
9 part-time teacher or concurrent educational support personnel
10 employee. Upon receipt of this authorization, the school
11 district or the appropriate regional superintendent, as the
12 case may be, shall submit the applicant's name, sex, race, date
13 of birth, social security number, fingerprint images, and other
14 identifiers, as prescribed by the Department of State Police,
15 to the Department. The regional superintendent submitting the
16 requisite information to the Department of State Police shall
17 promptly notify the school districts in which the applicant is
18 seeking employment as a substitute or concurrent part-time
19 teacher or concurrent educational support personnel employee
20 that the check of the applicant has been requested. The
21 Department of State Police and the Federal Bureau of
22 Investigation shall furnish, pursuant to a fingerprint-based
23 criminal history records check, records of convictions, until
24 expunged, to the president of the school board for the school
25 district that requested the check, or to the regional
26 superintendent who requested the check. The Department shall

1 charge the school district or the appropriate regional
2 superintendent a fee for conducting such check, which fee shall
3 be deposited in the State Police Services Fund and shall not
4 exceed the cost of the inquiry; and the applicant shall not be
5 charged a fee for such check by the school district or by the
6 regional superintendent, except that those applicants seeking
7 employment as a substitute teacher with a school district may
8 be charged a fee not to exceed the cost of the inquiry. Subject
9 to appropriations for these purposes, the State Superintendent
10 of Education shall reimburse school districts and regional
11 superintendents for fees paid to obtain criminal history
12 records checks under this Section.

13 (a-5) The school district or regional superintendent shall
14 further perform a check of the Statewide Sex Offender Database,
15 as authorized by the Sex Offender Community Notification Law,
16 for each applicant.

17 (a-6) The school district or regional superintendent shall
18 further perform a check of the Statewide Murderer and Violent
19 Offender Against Youth Database, as authorized by the Murderer
20 and Violent Offender Against Youth Community Notification Law,
21 for each applicant.

22 (b) Any information concerning the record of convictions
23 obtained by the president of the school board or the regional
24 superintendent shall be confidential and may only be
25 transmitted to the superintendent of the school district or his
26 designee, the appropriate regional superintendent if the check

1 was requested by the school district, the presidents of the
2 appropriate school boards if the check was requested from the
3 Department of State Police by the regional superintendent, the
4 State Superintendent of Education, the State Teacher
5 Certification Board, any other person necessary to the decision
6 of hiring the applicant for employment, or for clarification
7 purposes the Department of State Police or Statewide Sex
8 Offender Database, or both. A copy of the record of convictions
9 obtained from the Department of State Police shall be provided
10 to the applicant for employment. Upon the check of the
11 Statewide Sex Offender Database, the school district or
12 regional superintendent shall notify an applicant as to whether
13 or not the applicant has been identified in the Database as a
14 sex offender. If a check of an applicant for employment as a
15 substitute or concurrent part-time teacher or concurrent
16 educational support personnel employee in more than one school
17 district was requested by the regional superintendent, and the
18 Department of State Police upon a check ascertains that the
19 applicant has not been convicted of any of the enumerated
20 criminal or drug offenses in subsection (c) or has not been
21 convicted, within 7 years of the application for employment
22 with the school district, of any other felony under the laws of
23 this State or of any offense committed or attempted in any
24 other state or against the laws of the United States that, if
25 committed or attempted in this State, would have been
26 punishable as a felony under the laws of this State and so

1 notifies the regional superintendent and if the regional
2 superintendent upon a check ascertains that the applicant has
3 not been identified in the Sex Offender Database as a sex
4 offender, then the regional superintendent shall issue to the
5 applicant a certificate evidencing that as of the date
6 specified by the Department of State Police the applicant has
7 not been convicted of any of the enumerated criminal or drug
8 offenses in subsection (c) or has not been convicted, within 7
9 years of the application for employment with the school
10 district, of any other felony under the laws of this State or
11 of any offense committed or attempted in any other state or
12 against the laws of the United States that, if committed or
13 attempted in this State, would have been punishable as a felony
14 under the laws of this State and evidencing that as of the date
15 that the regional superintendent conducted a check of the
16 Statewide Sex Offender Database, the applicant has not been
17 identified in the Database as a sex offender. The school board
18 of any school district may rely on the certificate issued by
19 any regional superintendent to that substitute teacher,
20 concurrent part-time teacher, or concurrent educational
21 support personnel employee or may initiate its own criminal
22 history records check of the applicant through the Department
23 of State Police and its own check of the Statewide Sex Offender
24 Database as provided in subsection (a). Any unauthorized
25 release of confidential information may be a violation of
26 Section 7 of the Criminal Identification Act. ~~Any person who~~

1 ~~releases any confidential information concerning any criminal~~
2 ~~convictions of an applicant for employment shall be guilty of a~~
3 ~~Class A misdemeanor, unless the release of such information is~~
4 ~~authorized by this Section.~~

5 (c) No school board shall knowingly employ a person who has
6 been convicted of any offense that would subject him or her to
7 license suspension or revocation pursuant to Section 21B-80 of
8 this Code. Further, no school board shall knowingly employ a
9 person who has been found to be the perpetrator of sexual or
10 physical abuse of any minor under 18 years of age pursuant to
11 proceedings under Article II of the Juvenile Court Act of 1987.

12 (d) No school board shall knowingly employ a person for
13 whom a criminal history records check and a Statewide Sex
14 Offender Database check has not been initiated.

15 (e) Upon receipt of the record of a conviction of or a
16 finding of child abuse by a holder of any certificate issued
17 pursuant to Article 21 or Section 34-8.1 or 34-83 of the School
18 Code, the State Superintendent of Education may initiate
19 certificate suspension and revocation proceedings as
20 authorized by law.

21 (e-5) The superintendent of the employing school board
22 shall, in writing, notify the State Superintendent of Education
23 and the applicable regional superintendent of schools of any
24 certificate holder whom he or she has reasonable cause to
25 believe has committed an intentional act of abuse or neglect
26 with the result of making a child an abused child or a

1 neglected child, as defined in Section 3 of the Abused and
2 Neglected Child Reporting Act, and that act resulted in the
3 certificate holder's dismissal or resignation from the school
4 district. This notification must be submitted within 30 days
5 after the dismissal or resignation. The certificate holder must
6 also be contemporaneously sent a copy of the notice by the
7 superintendent. All correspondence, documentation, and other
8 information so received by the regional superintendent of
9 schools, the State Superintendent of Education, the State Board
10 of Education, or the State Teacher Certification Board under
11 this subsection (e-5) is confidential and must not be disclosed
12 to third parties, except (i) as necessary for the State
13 Superintendent of Education or his or her designee to
14 investigate and prosecute pursuant to Article 21 of this Code,
15 (ii) pursuant to a court order, (iii) for disclosure to the
16 certificate holder or his or her representative, or (iv) as
17 otherwise provided in this Article and provided that any such
18 information admitted into evidence in a hearing is exempt from
19 this confidentiality and non-disclosure requirement. Except
20 for an act of willful or wanton misconduct, any superintendent
21 who provides notification as required in this subsection (e-5)
22 shall have immunity from any liability, whether civil or
23 criminal or that otherwise might result by reason of such
24 action.

25 (f) After January 1, 1990 the provisions of this Section
26 shall apply to all employees of persons or firms holding

1 contracts with any school district including, but not limited
2 to, food service workers, school bus drivers and other
3 transportation employees, who have direct, daily contact with
4 the pupils of any school in such district. For purposes of
5 criminal history records checks and checks of the Statewide Sex
6 Offender Database on employees of persons or firms holding
7 contracts with more than one school district and assigned to
8 more than one school district, the regional superintendent of
9 the educational service region in which the contracting school
10 districts are located may, at the request of any such school
11 district, be responsible for receiving the authorization for a
12 criminal history records check prepared by each such employee
13 and submitting the same to the Department of State Police and
14 for conducting a check of the Statewide Sex Offender Database
15 for each employee. Any information concerning the record of
16 conviction and identification as a sex offender of any such
17 employee obtained by the regional superintendent shall be
18 promptly reported to the president of the appropriate school
19 board or school boards.

20 (g) In order to student teach in the public schools, a
21 person is required to authorize a fingerprint-based criminal
22 history records check and checks of the Statewide Sex Offender
23 Database and Statewide Murderer and Violent Offender Against
24 Youth Database prior to participating in any field experiences
25 in the public schools. Authorization for and payment of the
26 costs of the checks must be furnished by the student teacher.

1 Results of the checks must be furnished to the higher education
2 institution where the student teacher is enrolled and the
3 superintendent of the school district where the student is
4 assigned.

5 (h) Upon request of a school, school district, community
6 college district, or private school, any information obtained
7 by a school district pursuant to subsection (f) of this Section
8 within the last year must be made available to that school,
9 school district, community college district, or private
10 school.

11 (Source: P.A. 96-431, eff. 8-13-09; 96-1452, eff. 8-20-10;
12 96-1489, eff. 1-1-11; 97-154, eff. 1-1-12; 97-248, eff. 1-1-12;
13 97-607, eff. 8-26-11; 97-813, eff. 7-13-12.)

14 (105 ILCS 5/34-18.5) (from Ch. 122, par. 34-18.5)

15 Sec. 34-18.5. Criminal history records checks and checks of
16 the Statewide Sex Offender Database and Statewide Murderer and
17 Violent Offender Against Youth Database.

18 (a) Certified and noncertified applicants for employment
19 with the school district are required as a condition of
20 employment to authorize a fingerprint-based criminal history
21 records check to determine if such applicants have been
22 convicted of any of the enumerated criminal or drug offenses in
23 subsection (c) of this Section or have been convicted, within 7
24 years of the application for employment with the school
25 district, of any other felony under the laws of this State or

1 of any offense committed or attempted in any other state or
2 against the laws of the United States that, if committed or
3 attempted in this State, would have been punishable as a felony
4 under the laws of this State. Authorization for the check shall
5 be furnished by the applicant to the school district, except
6 that if the applicant is a substitute teacher seeking
7 employment in more than one school district, or a teacher
8 seeking concurrent part-time employment positions with more
9 than one school district (as a reading specialist, special
10 education teacher or otherwise), or an educational support
11 personnel employee seeking employment positions with more than
12 one district, any such district may require the applicant to
13 furnish authorization for the check to the regional
14 superintendent of the educational service region in which are
15 located the school districts in which the applicant is seeking
16 employment as a substitute or concurrent part-time teacher or
17 concurrent educational support personnel employee. Upon
18 receipt of this authorization, the school district or the
19 appropriate regional superintendent, as the case may be, shall
20 submit the applicant's name, sex, race, date of birth, social
21 security number, fingerprint images, and other identifiers, as
22 prescribed by the Department of State Police, to the
23 Department. The regional superintendent submitting the
24 requisite information to the Department of State Police shall
25 promptly notify the school districts in which the applicant is
26 seeking employment as a substitute or concurrent part-time

1 teacher or concurrent educational support personnel employee
2 that the check of the applicant has been requested. The
3 Department of State Police and the Federal Bureau of
4 Investigation shall furnish, pursuant to a fingerprint-based
5 criminal history records check, records of convictions, until
6 expunged, to the president of the school board for the school
7 district that requested the check, or to the regional
8 superintendent who requested the check. The Department shall
9 charge the school district or the appropriate regional
10 superintendent a fee for conducting such check, which fee shall
11 be deposited in the State Police Services Fund and shall not
12 exceed the cost of the inquiry; and the applicant shall not be
13 charged a fee for such check by the school district or by the
14 regional superintendent. Subject to appropriations for these
15 purposes, the State Superintendent of Education shall
16 reimburse the school district and regional superintendent for
17 fees paid to obtain criminal history records checks under this
18 Section.

19 (a-5) The school district or regional superintendent shall
20 further perform a check of the Statewide Sex Offender Database,
21 as authorized by the Sex Offender Community Notification Law,
22 for each applicant.

23 (a-6) The school district or regional superintendent shall
24 further perform a check of the Statewide Murderer and Violent
25 Offender Against Youth Database, as authorized by the Murderer
26 and Violent Offender Against Youth Community Notification Law,

1 for each applicant.

2 (b) Any information concerning the record of convictions
3 obtained by the president of the board of education or the
4 regional superintendent shall be confidential and may only be
5 transmitted to the general superintendent of the school
6 district or his designee, the appropriate regional
7 superintendent if the check was requested by the board of
8 education for the school district, the presidents of the
9 appropriate board of education or school boards if the check
10 was requested from the Department of State Police by the
11 regional superintendent, the State Superintendent of
12 Education, the State Teacher Certification Board or any other
13 person necessary to the decision of hiring the applicant for
14 employment. A copy of the record of convictions obtained from
15 the Department of State Police shall be provided to the
16 applicant for employment. Upon the check of the Statewide Sex
17 Offender Database, the school district or regional
18 superintendent shall notify an applicant as to whether or not
19 the applicant has been identified in the Database as a sex
20 offender. If a check of an applicant for employment as a
21 substitute or concurrent part-time teacher or concurrent
22 educational support personnel employee in more than one school
23 district was requested by the regional superintendent, and the
24 Department of State Police upon a check ascertains that the
25 applicant has not been convicted of any of the enumerated
26 criminal or drug offenses in subsection (c) or has not been

1 convicted, within 7 years of the application for employment
2 with the school district, of any other felony under the laws of
3 this State or of any offense committed or attempted in any
4 other state or against the laws of the United States that, if
5 committed or attempted in this State, would have been
6 punishable as a felony under the laws of this State and so
7 notifies the regional superintendent and if the regional
8 superintendent upon a check ascertains that the applicant has
9 not been identified in the Sex Offender Database as a sex
10 offender, then the regional superintendent shall issue to the
11 applicant a certificate evidencing that as of the date
12 specified by the Department of State Police the applicant has
13 not been convicted of any of the enumerated criminal or drug
14 offenses in subsection (c) or has not been convicted, within 7
15 years of the application for employment with the school
16 district, of any other felony under the laws of this State or
17 of any offense committed or attempted in any other state or
18 against the laws of the United States that, if committed or
19 attempted in this State, would have been punishable as a felony
20 under the laws of this State and evidencing that as of the date
21 that the regional superintendent conducted a check of the
22 Statewide Sex Offender Database, the applicant has not been
23 identified in the Database as a sex offender. The school board
24 of any school district may rely on the certificate issued by
25 any regional superintendent to that substitute teacher,
26 concurrent part-time teacher, or concurrent educational

1 support personnel employee or may initiate its own criminal
2 history records check of the applicant through the Department
3 of State Police and its own check of the Statewide Sex Offender
4 Database as provided in subsection (a). Any unauthorized
5 release of confidential information may be a violation of
6 Section 7 of the Criminal Identification Act. ~~Any person who~~
7 ~~releases any confidential information concerning any criminal~~
8 ~~convictions of an applicant for employment shall be guilty of a~~
9 ~~Class A misdemeanor, unless the release of such information is~~
10 ~~authorized by this Section.~~

11 (c) The board of education shall not knowingly employ a
12 person who has been convicted of any offense that would subject
13 him or her to license suspension or revocation pursuant to
14 Section 21B-80 of this Code. Further, the board of education
15 shall not knowingly employ a person who has been found to be
16 the perpetrator of sexual or physical abuse of any minor under
17 18 years of age pursuant to proceedings under Article II of the
18 Juvenile Court Act of 1987.

19 (d) The board of education shall not knowingly employ a
20 person for whom a criminal history records check and a
21 Statewide Sex Offender Database check has not been initiated.

22 (e) Upon receipt of the record of a conviction of or a
23 finding of child abuse by a holder of any certificate issued
24 pursuant to Article 21 or Section 34-8.1 or 34-83 of the School
25 Code, the State Superintendent of Education may initiate
26 certificate suspension and revocation proceedings as

1 authorized by law.

2 (e-5) The general superintendent of schools shall, in
3 writing, notify the State Superintendent of Education of any
4 certificate holder whom he or she has reasonable cause to
5 believe has committed an intentional act of abuse or neglect
6 with the result of making a child an abused child or a
7 neglected child, as defined in Section 3 of the Abused and
8 Neglected Child Reporting Act, and that act resulted in the
9 certificate holder's dismissal or resignation from the school
10 district. This notification must be submitted within 30 days
11 after the dismissal or resignation. The certificate holder must
12 also be contemporaneously sent a copy of the notice by the
13 superintendent. All correspondence, documentation, and other
14 information so received by the State Superintendent of
15 Education, the State Board of Education, or the State Teacher
16 Certification Board under this subsection (e-5) is
17 confidential and must not be disclosed to third parties, except
18 (i) as necessary for the State Superintendent of Education or
19 his or her designee to investigate and prosecute pursuant to
20 Article 21 of this Code, (ii) pursuant to a court order, (iii)
21 for disclosure to the certificate holder or his or her
22 representative, or (iv) as otherwise provided in this Article
23 and provided that any such information admitted into evidence
24 in a hearing is exempt from this confidentiality and
25 non-disclosure requirement. Except for an act of willful or
26 wanton misconduct, any superintendent who provides

1 notification as required in this subsection (e-5) shall have
2 immunity from any liability, whether civil or criminal or that
3 otherwise might result by reason of such action.

4 (f) After March 19, 1990, the provisions of this Section
5 shall apply to all employees of persons or firms holding
6 contracts with any school district including, but not limited
7 to, food service workers, school bus drivers and other
8 transportation employees, who have direct, daily contact with
9 the pupils of any school in such district. For purposes of
10 criminal history records checks and checks of the Statewide Sex
11 Offender Database on employees of persons or firms holding
12 contracts with more than one school district and assigned to
13 more than one school district, the regional superintendent of
14 the educational service region in which the contracting school
15 districts are located may, at the request of any such school
16 district, be responsible for receiving the authorization for a
17 criminal history records check prepared by each such employee
18 and submitting the same to the Department of State Police and
19 for conducting a check of the Statewide Sex Offender Database
20 for each employee. Any information concerning the record of
21 conviction and identification as a sex offender of any such
22 employee obtained by the regional superintendent shall be
23 promptly reported to the president of the appropriate school
24 board or school boards.

25 (g) In order to student teach in the public schools, a
26 person is required to authorize a fingerprint-based criminal

1 history records check and checks of the Statewide Sex Offender
2 Database and Statewide Murderer and Violent Offender Against
3 Youth Database prior to participating in any field experiences
4 in the public schools. Authorization for and payment of the
5 costs of the checks must be furnished by the student teacher.
6 Results of the checks must be furnished to the higher education
7 institution where the student teacher is enrolled and the
8 general superintendent of schools.

9 (h) Upon request of a school, school district, community
10 college district, or private school, any information obtained
11 by the school district pursuant to subsection (f) of this
12 Section within the last year must be made available to that
13 school, school district, community college district, or
14 private school.

15 (Source: P.A. 96-431, eff. 8-13-09; 96-1452, eff. 8-20-10;
16 97-154, eff. 1-1-12; 97-248, eff. 1-1-12; 97-607, eff. 8-26-11;
17 97-813, eff. 7-13-12.)

18 Section 99. Effective date. This Act takes effect July 1,
19 2013."